

NEBRASKA DEPARTMENT
OF INSURANCE

JUN 12 2002

FILED

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA)	FINDINGS OF FACT,
DEPARTMENT OF INSURANCE,)	CONCLUSIONS OF LAW,
)	RECOMMENDED ORDER AND
PETITIONER,)	ORDER
)	
vs.)	
)	CAUSE NO.: A-1470
RANDI WALKER,)	
)	
RESPONDENT.)	

This matter came on for hearing on the 6th day of June, 2002, before Christine Neighbors, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance ("Director"). The Nebraska Department of Insurance ("Department") was represented by its attorney, Manuel Montelongo. Respondent Randi Walker failed to appear. The Rules of Evidence were not requested and the hearing was governed accordingly. The proceedings were tape recorded by Stacey Bellefeuille, a licensed Notary Public. Evidence was introduced, and the matter was taken under advisement. As a result of the hearing, the Hearing Officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. The Department is the agency of the State of Nebraska charged with licensing insurance agents/producers and brokers.
2. The Department filed a Petition and Notice of Hearing on May 15, 2002, which was served upon Respondent by mailing the same to her address at 8542 Granville Parkway #934, LaVista, NE 68128 by certified mail, return receipt requested.

Respondent received the Petition and Notice of Hearing on May 20, 2002, as evidenced by the return receipt card attached to Exhibit 2.

3. In its Petition, the Department alleged that on or about February 27, 2001, Respondent signed an application for insurance coverage from Standard Life and Accident Insurance Company which certified that the Respondent asked the proposed insured questions in the application and witnessed the signature of the applicant. The Department alleged the Respondent was not present when the application was signed by applicant Lela Sortino and that the application had been solicited in Iowa by Jeffrey Walker, Respondent's husband. Respondent is not licensed in Iowa.

4. In April 2001, the Corporate Investigations Staff of American National, the parent company of Standard Life and Accident Insurance Company, conducted an investigation into the issuance of policy #50-0250382 after applicant Lela Sortino requested the policy be cancelled. As a result of that investigation, Lela Sortino attested that Randi Walker, the agent who signed the application form, was not the agent who witnessed her signature on the application. In addition, Lela Sortino attested that the application was completed and signed in Carter Lake, Iowa and, at no time, did she travel to Omaha, Nebraska. (Exhibit 3).

5. Respondent signed her name to an application that she did not solicit, complete, or witness. Respondent misrepresented that the application was signed in Omaha, Nebraska. Respondent then knowingly provided the falsified application to Standard Life and Accident Insurance Company.

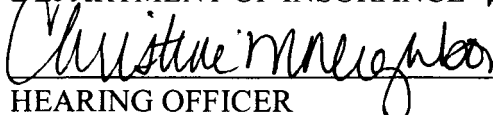
CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of insurance agents/producers pursuant to Neb. Rev. Stat. §44-101.01 and §44-4001 et seq.
2. Respondent violated Neb. Rev. Stat. §44-4028(6) and Neb. Rev. Stat. §44-4028 (11).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's insurance agent/producer license be suspended for a period of one (1) year from the date the Director of Insurance signs this Order.

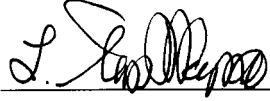
Dated this 11th day of June, 2002.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

HEARING OFFICER

ORDER

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska Department of Insurance vs. Randi Walker, Cause No.: A-1470.

Dated this 12th day of June, 2002.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order and Order was served upon Respondent at 8542 Granville Parkway, #934, LaVista, NE 68128 by certified mail, return receipt requested, and by U.S. Mail, postage prepaid on this 12th day of June, 2002.

Stacey M. Bullyfull